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American Petroleum Institute

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION**

KELSEY CASCADIA ROSE JULIANA, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 6:15-cv-01517-TC

**INTERVENOR-DEFENDANTS'
MOTION FOR EXTENSION OF
TIME TO FILE ANSWER TO FIRST
AMENDED COMPLAINT**

LR 7-1 CERTIFICATION

The undersigned certifies that the parties have conferred regarding this motion, but have been unable to reach agreement. The United States of America, *et al.* (the "Federal Defendants") consent to this motion, but the plaintiffs oppose this motion.

MOTION

Intervenor-Defendants National Association of Manufacturers, American Fuel & Petrochemical Manufacturers, and the American Petroleum Institute ("Intervenor-Defendants") respectfully move the Court for an extension of time until December 15, 2016, to file their answer to the Plaintiffs' First Amended Complaint. Pursuant to Fed. R. Civ. P. 6(b)(1)(A), the Court may grant extensions of time for good cause so long as a motion for extension is filed prior to the relevant deadline. The grounds for Intervenor-Defendants' motion are as follows.

1. Plaintiffs filed their original Complaint on July 12, 2015, and their First Amended Complaint on September 10, 2015. The Federal Defendants and Intervenor-Defendants filed timely motions to dismiss thereafter. Briefing on the motions to dismiss concluded on February 19, 2016, and Magistrate Judge Thomas Coffin held a hearing on March 9, 2016. Magistrate Judge Coffin issued Findings & Recommendation to deny the motions to dismiss of both the Federal Defendants and Intervenor-Defendants. The Federal Defendants and Intervenor-Defendants filed Objections to the Findings & Recommendation on May 2, 2016, and the Court heard oral arguments on the Objections on September 13, 2016. The Court issued an order adopting the Findings & Recommendation of Magistrate Judge Coffin and denied the motions to dismiss on November 10, 2016.

2. Pursuant to Fed. R. Civ. P. 12(a)(4)(A), where the Court denies a motion to dismiss, Intervenor-Defendants must file an Answer to the First Amended Complaint within 14 days. Here, the time for Intervenor-Defendants to file their answer falls on the Thanksgiving holiday, November 24, 2016, and the Court is closed. According to the Court's list of Holiday Closure Dates, it is also closed on November 25, 2016. Pursuant to Fed. R. Civ. P. 6(a)(1)(C), Intervenor-Defendants' answer would therefore be due on November 28, 2016.
3. On November 14, 2016, Magistrate Judge Coffin scheduled a Rule 16 Conference on November 28, 2016. According to Magistrate Judge Coffin's order, the parties will discuss, among other things, discovery, potential trial dates, alternative dispute resolution, and proposed modifications to the initial Discovery and Pretrial Scheduling Order.
4. Further, the Plaintiffs' First Amended Complaint contains 100 pages and some 310 paragraphs of allegations regarding complex legal, scientific, and technical allegations. Intervenor-Defendants would otherwise be required to draft their Answer to the First Amended Complaint, in part, during an extended holiday weekend, which will add further challenges to the necessary drafting and review process. These circumstances will significantly limit the already brief time given to answer such complicated allegations. Intervenor-Defendants therefore respectfully request an extension of time to file their Answer to the First Amended Complaint until December 15, 2016.

5. Intervenor-Defendants note that such an extension would have no substantial effect on the current schedule for this matter – which will be determined on November 28, 2016 – and will not result in undue delay or prejudice to any party.

DATED this 18th day of November 2016

MILLER NASH GRAHAM & DUNN LLP

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I hereby certify that I served the foregoing Intervenor-Defendants' Motion for
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by the following indicated method or methods on the date set forth below:

☒ **CM/ECF system transmission.**

DATED this 18th day of November, 2016.

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